

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BUNKER HOLDINGS LTD.,

Plaintiff,

v.

M/V YM SUCCESS (IMO 9294800), her tackle,
boilers, apparel, furniture, engines, appurtenances,
etc., *in rem*,

Defendant.

IN ADMIRALTY

CASE NO.: C14-6002 BHS

**ORDER AUTHORIZING
ISSUANCE OF WARRANT OF
ARREST**

CAME ON FOR CONSIDERATION, the Plaintiff BUNKER HOLDINGS LTD.'s ("BUNKER HOLDINGS") Motion for Issuance of Warrant of Arrest, and the Court having reviewed the Verified Complaint previously filed herein by BUNKER HOLDINGS, and having determined that the conditions for an *in rem* action appear to exist in compliance with Supplemental Admiralty Rule C, finds that BUNKER HOLDINGS's Motion is meritorious and should be **GRANTED**.

It is therefore **ORDERED, ADJUDGED AND DECREED** that a Warrant of Arrest be issued against the M/V YM SUCCESS, IMO No. 9294800, her engines, freights, apparel, appurtenances, tackle, etc. ("Vessel") as prayed for in the Verified Complaint; and

IT IS FURTHER ORDERED that a copy of this order be attached and served with the said Warrant of Arrest on the person in charge of the said Vessel or her agent; and

1 **IT IS FURTHER ORDERED** that the United States Marshal and/or any Substitute
2 Custodian, which is subsequently appointed by this Court, is authorized to allow the M/V YM
3 SUCCESS to conduct normal cargo operations, both discharging and loading, repair works,
4 and to shift berths (consistent with the U.S. Marshal's requirements), always remaining within
5 this judicial district, and always at the risk and expense of the vessel's interests; and

6 **IT IS FURTHER ORDERED** that the Warrant of Arrest shall provide for the crew of
7 the Vessel to remain on the vessel during the time the vessel is *in custodia legis*; and

8 **IT IS FURTHER ORDERED** that the charges and expenses incurred by the U.S.
9 Marshal shall be deemed *in custodia legis*, and will be paid from the proceeds of the vessel's
10 sale unless otherwise agreed. If a written objection is timely filed, payment of the disputed
11 charges only shall be made after the objection is resolved by agreement of the parties or by
12 Court Order. Payment of the undisputed charges shall not be affected;

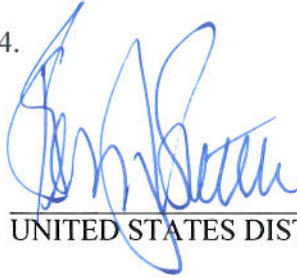
13 **IT IS FURTHER ORDERED** that the Vessel may be released from seizure without
14 further order of this Court if the Marshal receives written authorization from the attorney who
15 requested the seizure, and that such attorney advises that he has conferred with all counsel
16 representing all of the parties to the litigation and they consent to the release, if the attorney
17 files the consent and the Court has not entered an Order to the contrary, and also provided that
18 the U.S. Marshal confirms that all expenses and fees due to the U.S. Marshal have been paid;
19 and

20 **IT IS FURTHER ORDERED** that the Plaintiff shall agree to release and hold
21 harmless, and indemnify the United States of America, the United States Marshal, their agents,
22 servants, employees, and all others for whom they are responsible, from any and all liability or
23 responsibility for claims arising from the attachment of the vessel; and

24 **IT IS FURTHER ORDERED** that any person claiming an interest in the Vessel shall,
25 upon application to the Court, be entitled to a prompt hearing pursuant to Supplemental
26

1 Admiralty Rule E(4)(f) and LAR 116(b) at which the plaintiff shall be required to show why
2 the arrest should not be vacated or other relief granted.

3 DATED this 22 day of December, 2014.

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6 
UNITED STATES DISTRICT JUDGE

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8 Presented by:

9 NICOLL BLACK & FEIG PLLC

10 /s/ Jeremy B. Jones

11 Jeremy B. Jones, WSBA #44138

12 *Attorneys for Plaintiff*
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